

Sept 21 2005 - Slaughter Introduces Military Victims of Violence Confidentiality Act of 2005

Slaughter Introduces Military Victims of Violence Confidentiality Act of 2005

Bi-Partisan Legislation Will Allow Servicewomen to Receive Confidential Treatment if Assaulted

Washington, DC - Rep. Louise M. Slaughter (D-NY), Ranking Member of the House Rules Committee, introduced the Military Victims of Violence Confidentiality Act of 2005 in the House last night. The bill, which has already gained 15 co-sponsors, will greatly increase protections for women in the military who are victims of violence.

"If a victim's doctor and advocate cannot protect the confidentiality of treatment sessions, sexual assault and domestic violence victims will be unlikely to seek essential care for fear of stigma, public embarrassment, or threats to their career," Rep. Slaughter said. "These women put themselves in harms way to protect us each and every day... We have an obligation to make certain the military stands up for them in their time of need," she added.

The Act will establish comprehensive confidentiality protocols to protect the rights of victims within military law. It will require that communications made to obtain advice, counseling, treatment, or assistance for a victim's mental, physical, or emotional state following an assault will remain confidential, even during a trial of the victim's accused assailant. Moreover, servicewomen will be allowed to refuse to disclose, as well as prevent any other person from disclosing, confidential communications which have been made between them and support services.

The need for Rep. Slaughter's legislation was made clear this year in the case of US v. Harding. Jessica Brakey, a cadet at the Air Force Academy, was allegedly assaulted in the year 2000 by a fellow Academy student. Following the assault, Ms. Brakey sought counseling by a civilian victim advocate, Jennifer Bier. The military court trying the case issued a subpoena for Ms. Brakey's treatment records with Ms. Bier, but when Ms. Bier refused to turn over the records, the judge suspended the case against the cadet accused of assaulting Ms. Brakey.

The confidentiality of communications between assault victims and support services is already protected by the legal codes of many states. In addition, the Department of Defense recently acknowledged that the same standards which are applied to civilian women should be applied to those in the military. In a June 2005 report issued by the Department of Defense's Task Force on Sexual Harassment and Violence at the Military Service Academies, the Task Force recommended that, "Congress should create a statutory privilege protecting communications made by victims of sexual assault to health care providers and victims advocates."

To date, Co-Sponsors Include:

Rep. Neil Abercrombie (D-HI-01)

Rep. Shelley Moore Capito (R-WV-02)

Rep. Lois Capps (D-CA-23)

Rep. Joseph Crowley (D-NY-07)

Rep. Bob Filner (D-CA-51)

Rep. Raúl M. Grijalva (D-AZ-07)

Rep. Melissa Hart (R-PA-04)

Rep. Carolyn Cheeks Kilpatrick (D-MI-13)

Rep. John Lewis (D-GA-05)

Rep. Carolyn Maloney (D-NY-14)

Rep. Jim McDermott (D-WA-07)

Rep. Major R. Owens (D-NY-11)

Rep. Jan Schakowsky (D-IL-11)

Rep. Hilda Solis (D-CA-32)

Rep. Robert Wexler (D-FL-19)